IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 19TH OCTOBER 2006 / 27TH ASWINA 1928

Bail Appl..No. 6242 of 2006

CRMP.4203/2006 of J.M.F.C., SASTHAMCOTTA
CRIME NO.309/2006 OF CHAVARA THEKKUMBHAGAM POLICE STATION

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PETITIONER/ACCUSED NO.1

UNNIKRISHNA PILLAI, S/O.GOVINDA PILLAI,
POKKATTU KIZHAKETHIL HOUSE, ARINELLUR P.O.,
THEVALAKKARA VILLAGE, KOLLAM DISTRICT.

BY ADV. SRI.K.BABU THOMAS

RESPONDENTS: COMPLAINANT

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1. STATE OF KERALA, REP. BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. THE STATION HOUSE OFFICER,
CHAVARA THEKKUMBHAGAM POLICE STATION,
KOLLAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/10/2006, ALONG WITH BA.NO.6243/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.ANos. 6242/2006 & 6243/2006

DATED THIS THE 19TH DAY OF OCTOBER, 2006

O R D E R

The first accused, in crime No.309/2006 of Chavara Thekkumbhagam Police Station, was arrested on 6.10.2006 for the offence punishable under Sections 323, 324, 326, 308, 447 and 294(b) IPC read with Section 34 IPC. Therefore, he is before this Court, preferring B.A.No.6242/2006 under Section 439 Cr.P.C.

2. B.A.No.6243/2006 had been preferred by accused Nos. 2 and 3, who are the wife and daughter of the first accused in the very same crime, for a pre-arrest order under Section 438 Cr.P.C., as they apprehend arrest by the Chavara Thekkumbhagam Police Station officials.

3. The facts reveal that on 2.10.2006, the calf of the accused had entered the premises of the defacto complainant, Muraleedharan Pillai. The third accused questioned the retention of the animal. It is alleged that Muraleedharan Pillai, his wife Bharathy Amma and their daughter Padmakumari had assaulted the accused in

crime No.309/2006.

4. The prosecution submits that crime No.310/2006 had been registered at the instance of Dhanya Krishnan against Muraleedharan Pillai, Bharaty Amma and Padma kumari, for the offence punishable under Sections 323 and 324 IPC read with Section 34 IPC. Thus, there is a case and counter case.

5. The learned Public Prosecutor also brought to my notice that because of the assault on the head of Muraleedharan Pillai, he had sustained 12 X 2 X 1 cms of skull fracture extending from right parietal portion to left parietal portion.

6. After considering the facts that are placed before me, I grant bail and release the petitioner, the first accused, in crime No.309/2006 of Chavara Thekkumbhagam police station, from jail subject to the following conditions:-

> (a). The petitioner, the first accused, shall execute a bond for Rs.20,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial

Magistrate of First Class, Sasthamcotta.

(b). The petitioner, first accused, shall report before the Investigating Officer, once in a week on every Wednesday, between 10.00 a.m and 11.00 a.m., for a period of two months, starting from 25.10.2006.

7. In the event of the arrest of accused Nos. 2 and 3 in the very same crime No.309/2006, they shall be released on bail, on each one of them executing a bond for Rs.15,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Investigating Officer, arresting them.

8. Accused Nos. 2 and 3 shall report before the Investigating Officer, if so summoned on notice, for the purpose of the completion of investigation.

The applications are allowed as above.

J.M.JAMES
JUDGE

mrcs